

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of : Attorney Docket No. 2005_0454A
Yuji KUWABARA et al. : **Confirmation No. 7902**
Serial No. 10/529,550 : Group Art Unit 1794
Filed March 29, 2005 : Examiner Carolyn A. Paden
DRY FRACTIONATION METHOD FOR : **Mail Stop: AMENDMENT**
FAT

REQUEST FOR RECONSIDERATION

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

Responsive to the Office Action of December 16, 2009, Applicants submit the following remarks in support of the patentability of the presently claimed invention over the disclosures of the references relied upon by the Examiner in rejecting the claims. Further and favorable reconsideration is respectfully requested in view of these remarks.

Rejection Under 35 U.S.C. § 103(a)

Claims 16, 23-30 and 32 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Deffense and Tirtiaux, taken together. This rejection is respectfully traversed.

On page 3, lines 5 and 6 of the Office Action, the Examiner states, “Although heating is not mentioned, one of ordinary skill in the art would understand that a melting fat must have undergone a heating step.” Applicants respectfully disagree with this unsupported assertion.

In the fractionation of palm oil described in Deffense, hard stearin, which is obtained by fractionating palm oil, is re-fractionated by cooling, after being **completely melted** by heating.

On the contrary, in the method of the presently claimed invention, the crystalline fraction (F), which is obtained with the first step, is **not completely melted** by heating, but rather is **partially melted** by temperature raising. Specifically, independent claim 16 recites, “ ...